

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 10, 11, 14, 17, and 20 are pending in this application. By this Amendment, claims 10, 11 and 14 are amended.

Claims 10-11, 14, and 20 stand rejected under 35 U.S.C. §102(b) over Lewis (US 5,631,534).

In addition, claim 17 stands rejected under 35 USC §103(a) as being unpatentable over Lewis in view of Yeon (US 6,133,712).

The courtesies extended to Applicant's representative by Examiner Tran and Primary Examiner Vu at the personal interview held February 18, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

At the personal interview, Applicant's representative respectfully submitted that in the Office Action issued November 24, 2009, in regarding claim 10, the Patent and Trademark Office (PTO) did not consider Lewis as a whole. Claim 10 recites "each storage element (Ck) being paired with each of the other n-1 storage elements of the network by (n-1) associated module." Applicant submits that PTO has taken storage elements 12a, 12b, and 12c out of context with the other N-3 storage elements to define a new structure having 3 storage elements and 3 charge modules.

Applicant submitted that Lewis discloses an equation (n-1) that defines a number of charge modules based upon a variable number "n" of storage elements, and Fig. 1 of Lewis depicts 8 numbered charge modules within a series configuration of N-1 modules. The Office Action improperly defines a subset of 3 storage elements and 2 charge modules, out of context with the other storage elements and charge modules, as anticipating the claimed n storage elements and $n(n-1)/2$ charge modules.

Applicant further submitted that the PTO appears to disregard the specification of

Lewis (see column 2, lines 29-35), that specifically states that for a predetermined number (N) of batteries, there is a predetermined number (N-1) of bidirectional charge modules 11. Applicant's claimed energy storage device is distinguished from Lewis in that Applicant recites wherein for a given number of storage elements n, there are $n(n-1)/2$ charge modules. Nowhere does Lewis disclose, teach, or suggest the claimed relationship between storage elements and charge modules.

Applicants appreciate the indication in the Interview Summary that the PTO agrees that the limitation in claim 10 reciting " $n*(n-1)/2$ " transfer modules overcomes the art of record. The PTO further indicated that the claims appeared to be allowable if rewritten to overcome an indefiniteness in the case of $n=1$, where the equation $n*(n-1)/2$ would result in zero charge modules.

Applicant amends claim 10 to recite wherein n is an integer ≥ 3 . Support for this amendment can be found in the specification, at page 5, line 15 that describes wherein the invention has a plurality of transfer modules. Because a plurality is known to be 2 or more, in order for the equation for transfer modules, " $n*(n-1)/2$ " to evaluate to 2 or more, n must be greater or equal to 3, if n is an integer.

Furthermore, in addition to amending claim 10 to define "n", claims 10, 11, and 14 are amended to more clearly recite the claimed subject matter and place the application in better compliance with commonly accepted US patent practice.

Accordingly, based upon the foregoing amendments, independent claim 10 and claims 11, 14, 17, and 20 that depend variously therefrom are allowable and withdrawal of the rejections thereof is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in cursive script, appearing to read "Kenneth M. Berner".

Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: February 22, 2010
KMB/ERM/bjs